



# Department of Justice

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Middle District of Florida

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**KINDER MORGAN PORT MANATEE TERMINAL LLC**  
**TO PAY \$1 MILLION PENALTY**  
**FOR ENVIRONMENTAL CRIMES**

Tampa, Florida - U.S. Attorney A. Brian Albritton announces that U.S. District Judge James Moody today sentenced Kinder Morgan Port Manatee Terminal LLC ("Kinder Morgan") to pay \$1 million for violating the Clean Air Act. \$250,000 will go to the National Fish and Wildlife Foundation to fund remediation and restoration projects in Manatee County. The court also placed Kinder Morgan on probation for two years, during which it must adhere to a stringent environmental compliance plan. The company had pleaded guilty pursuant to a written plea agreement.

According to court documents, Kinder Morgan operates a dry bulk material handling and storage facility at 475 North Dock Street, Port Manatee, Florida. The facility is on six acres of land and includes four warehouses. It receives and ships granular materials such as fertilizer products and cement clinker by railcar, truck and ship. When those granular materials are loaded and unloaded, they generate particulate matter, an air pollutant regulated under the Clean Air Act.

To obtain a permit for the Port Manatee facility from the Florida Department of Environmental Protection ("FDEP") (which is responsible for administering the Clean Air

Act in Florida), Kinder Morgan was required to operate at the facility baghouse air pollutant control systems, which trap, filter and separate the particulate matter in order to minimize its release into the air. From in or about 2001 through March 2008, however, Kinder Morgan's baghouses were in poor condition, and several were not fully operational during the times specified in the various permits. In August 2006 and August 2007, Kinder Morgan's local managers and supervisors falsely certified in permit applications that Kinder Morgan would operate and maintain its air pollutant emissions and control equipment in accordance with regulations, when they knew that the baghouses were not being operated and maintained properly. And from October 2006 through March 2008, Kinder Morgan's local managers and supervisors failed to notify and report to the FDEP that its baghouse devices were not in compliance and would continue to be out of compliance.

U.S. Attorney A. Brian Albritton stated: "It is important to hold companies that emit airborne pollutants strictly to the law. We cannot afford to allow harm to our most precious resource, our air."

Maureen O'Mara, Special Agent-in-Charge of EPA's criminal enforcement program in Atlanta, stated, "It is appropriate that, in addition to the fine, the company will be required to establish a compliance plan to ensure that these violations never occur again."

A parallel enforcement action brought by the FDEP resulted in an FDEP order for a civil penalty in the amount of \$331,000. Kinder Morgan is required to implement numerous corrective actions pursuant to that order.

This case was investigated by the United States Environmental Protection Agency and the Florida Department of Environmental Protection. It was prosecuted by Assistant United States Attorney Cherie L. Krigsman.